

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

October 21, 2010

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Chris Jackson (W6)

Absent: Councilors Tim Carpenter (W1), Amy Valentine (W5)

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on October 14, 2010 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Jackson; Seconded by Councilor Calnon
Roll call: Councilors Kelly, Rabideau, Calnon, Jackson
(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending October 20, 2010 in the amount of \$ 241,479.88 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon
Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of October 14 – October 20, 2010
- Report from the Building Inspector's Office from September 22 – October 18, 2010
- Report from the Parking Violations Bureau for September 2010
- Report of Public Hearing held by the Zoning Board of Appeals on October 18, 2010

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Kelly
Roll call: Councilors Kelly, Rabideau, Calnon, Jackson
(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills approved by the Auditing Committee of the Common Council in the amount of \$ 492,573.45 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon
Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to amend the 2010 Budget per the attached budget adjustment to include appropriation of \$60,000 of the unappropriated General Fund balance for Judgments and Claims expense thereby providing funds for the cost of the insurance settlement of the Joan Perry injury claim.

By Councilor Calnon; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Kelly, Rabideau, Calnon, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves the proposed recreation fee structure from the Superintendent of Recreation, a copy of which is included in the minutes for this meeting.

By Councilor Rabideau; Seconded by Councilor Jackson
Discussion: None
Roll call: Councilors Kelly, Rabideau, Calnon, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD to advertise for sealed bids for PMLD BID NO. 2010-10-2 "2000 KVA 12470kV Voltage Padmount Transformer." Bid Opening Date: November 30, 2010 at 11:00 am.

By Councilor Kelly; Seconded by Councilor Jackson
Discussion: None
Roll call: Councilors Kelly, Rabideau, Calnon, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves extending the contractual benefits of Police Officer Levi Ritter who is out on a work related injury. This is to extend his benefits 12 weeks, until 01/07/11.

By Councilor Calnon; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the Community Development Office to advertise for bids for building improvements on Project Main Street, BIP # 14-2008 REBID “62-66 Margaret Street- Mr. Woo.”

By Councilor Jackson; Seconded by Councilor Kelly

Discussion:

Councilor Kelly said we have seen a lot of these projects downtown area of Plattsburgh as a result is looking fantastic. He is just glad to see another one of these come forward and help our city.

Mayor Kasprzak thinks things are looking better and these two buildings have repairs that are needed and he is glad Mr. Woo is participating.

Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. Move to waive rule 4 for initial consideration “Request from the Community Development Office to award Theodore Stay & Sons, Project City Main St. BIP # 15-2008 - “Maui North” for \$39,460.

By Councilor Jackson; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves Theodore Stay & Sons to be awarded Project City Main St. BIP # 15-2008 - “Maui North” for \$39,460.

By Councilor Jackson; Seconded by Councilor Kelly

Discussion:

Councilor Jackson the reason they are moving is because the weather is starting to change.

Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Kelly Clookey Finance Officer to attend the “MEUA Accounting and Finance Workshop” from November 16-18, 2010 in East Syracuse, NY at an estimated cost of \$470.00.

By Councilor Kelly; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. Motion to waive rule 4 for initial consideration “Request from Police Chief Desmond Racicot for two Police Officers to travel to Clifton, TN, at the request of the District Attorney’s Office for extradition of a fugitive of justice, from October 26 – 28, 2010. The cost will be reimbursed by the District Attorney’s office by check, except for meal allowance which will not exceed \$462 and will be paid out of the Asset Forfeiture Fund (Treasury funds).

By Councilor Jackson; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves two Police Officers to travel to Clifton, TN, at the request of the District Attorney’s Office for extradition of a fugitive of justice, from October 26 – 28, 2010. The cost will be reimbursed by the District Attorney’s office by check, except for meal allowance which will not exceed \$462 and will be paid out of the Asset Forfeiture Fund (Treasury funds).

By Councilor Calnon; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. The Regular Common Council meeting scheduled for Thursday, November 11, 2010 will be changed due to the Veterans Day Holiday to Wednesday, November 10, 2010 beginning at 5:30 pm. The work session will begin at 5 pm.
2. Request from the Superintendent of Recreation to host the Second annual City of Plattsburgh Half marathon on Sunday, April 17, 2011 for up to 1000 runners.
3. Request from the Community Development Office to award Theodore Stay & Sons, Project City Main St. BIP # 15-2008 - "Maui North" for \$39,460. **(Move to agenda under "Other Items" Letter F)**
4. Request from the Community Development Office that the Mayor be authorized to sign a subordination agreement for property located at 5300 N. Catherine Street owned by Terrance Conway.
5. Request from City Engineer to advertise for bids for Contract # 2010-15 "Penfield Park Improvements, Lefty Wilson Field."
6. Request from Bill Treacy, Manager MLD to write-off unpaid final bills from August 1, 2009 to August 31, 2009 in the total amount of \$2,649.35. The percentage of write-offs for this period is .29%.
7. Request from the Community Development Office to award Handy Dan D Home Improvement, Project HOME 2009-5 - "142 Pine St – Todd Polhemus" for \$21,815.
8. Request from Police Chief Desmond Racicot for two Police Officers to attend the "Reality Based Training Instructor Course (Train the Trainer)" from November 7 – 12, 2010 in Albany, NY. The cost will not exceed \$1,740 and will be paid out of the Asset Forfeiture Fund (Treasury funds).
9. Request from Police Chief Desmond Racicot for a Police Officer to attend the "Bushmaster Armorer's Training" from December 3 - 5, 2010 in Poughkeepsie, NY. The cost will not exceed \$1,080 and will be paid out of the Asset Forfeiture Fund (Treasury funds).
10. Request from Police Chief Desmond Racicot for two Police Officers to travel to Clifton, TN, at the request of the District Attorney's Office for extradition of a fugitive of justice, from October 26 – 28, 2010. The cost will be reimbursed by the District Attorney's office by check, except for meal allowance which will not exceed \$462 and will be paid out of the Asset Forfeiture Fund (Treasury funds). **(Move to "Travel Request" Letter B)**

11. Request from Bill Todd Chief Plant Operator for Brynn Boyer to attend a training course for basic laboratory skills from November 3 - 4, 2010 the cost will not exceed \$500.

10. NEW BUSINESS:

Councilor Kelly wanted to repeat what he said during the work session. We were visited by a couple of distinguished guests at our City Hall today. He thinks it is great this is a place where democracy reigns and anyone can come here and say anything they want basically and they have been witness to that over the last years. He is glad Governor Pataki came here and he is glad Doug Hoffman came here. He heard this on the radio; he wasn't here so he is only going by what he heard on the radio. Some of the things that were said were just completely untrue. George Pataki is promoting his organization "Revere America" which it turns out is a way for Republican candidates to receive campaign funds so his agenda is pretty clear. He claimed that "Obamacare" as he called it, the correct name is 2010 Patient Protection and Affordable Care Act, that it would save \$60 billion in Torte Reform over 10 years. There is no other estimate anywhere that he could find even close to that even George Bush when he was promoting this in 2004 Presidential election claimed that it would save maybe \$4 billion to \$5 billion so Pataki's estimate is way over that. The Congressional budget office said maybe \$.5 billion per year, study at Harvard Business school said \$2.4 billion although they later retracted that because they were using some faulty statistics. The Muskie Institute of Public policy at the University of Southern Maine claims that Torte Reform could save as much as \$.13 billion per year for 10 years. Finally, as many people are saying, you really can't measure it there is no real correlation between Torte Reform and health care costs. An example of that is the number of health care lawsuits have gone down every year in 2005 to present in the northeastern United States and that has no impact on health care costs so there is no correlation between Torte Reform and the cost of healthcare. So he has to call Governor Pataki on that and say that what he said was untrue. He also said it would cost \$120 billion dollars additionally for the cost of the health care bill that was passed by Congress and actually the Congressional budget office says just the opposite that we will save \$120 billion over 10 years by some of the provisions of the health care reform bill. Finally, Pataki talks about returning to the free market and he would just like to remind the public that the free market was responsible for 47 million Americans being uninsured or 1 in 6 Americans had no health care. So that didn't work so good for 1 in 6 Americans and he is guessing that maybe another 1 in 6 Americans had inadequate health care to the point where they didn't feel they could afford to go to the doctor even though they may have been insured. So to him what Governor Pataki was advocating for health care will send us backwards rather than forwards in progress and he would challenge him to come back to this democratic institution and debate him personally on this issue. He believes he knows more about the health care reform bill that was passed by Congress then he does. He would invite him and Doug Hoffman to come back and have this debate with him at their earliest convenience.

Councilor Jackson stated they were supposed to have the MLD Board meeting but due to the absence of Directors Valentine and Carpenter and also the fact that **Bill Treacy** is going to the NYMPA meeting next week and he will have more to report they are going to postpone it until next Thursday.

Councilor Rabideau wanted to thank **Jim Bailey City Historian** who sent them all a letter that he was resigning/retiring at the end of this year. He spent many years working and held this position since 1982; he has done a lot of volunteer work. He knows the pay wasn't that great and he dedicated much of his time working on specific projects and **Mr. Bailey** has given a lot to Plattsburgh over those years. He would like it

to be on the record. **Councilor Rabideau** did talk to him and thanked him personally at his door about three days ago and told him he would like to see it on the record and in the minutes and he is sure they would all like to see it there and thank him for all the work he has done over the years.

Mayor Kasprzak thanked **Councilor Rabideau** and said **Mr. Bailey** is an outstanding person. His love of the City of Plattsburgh is quite evident and if we could clone someone like **Mr. Bailey** we couldn't get anyone better absolutely. He is a great person. He has done some wonderful things on his own for the city and he works very closely with **City Clerk Keith Herkalo** all these years.

11. CLOSING PUBLIC COMMENTS:

Dave Bezio Dickson Point Road and President of MLD IBEW union. The reason he was here was because he was hoping they would have an MLD Board meeting. On the way down he also heard Governor Pataki and he was wondering if the Mayor maybe had a chance to his ear and talk about the health insurance program the city has and as a Union leader he gets beat up a lot on the TV, the radio. But he takes a lot of pride in the fact that he has put a lot of time working on this task force to keep the cost down. He appreciates **Councilor Calnon** saying in the newspaper how important it was that they do have a good relationship that they working together and he wants the public to understand that. The Union people who work for the city, the leaders, they are working with the **Council** they are working together to try to keep those rates down. He had a chance this week to meet a constituent who found out he worked for the city and she started giving him a hard time about the health insurance and she didn't even realize that there are people who pay 15% for the cost of their health care and she didn't think anyone in the city paid. He would like city residents to know the Union leaders are working hard with the **Council** and the **Mayor** to try to keep the rates down. He thinks that maybe they are working their way in becoming a model system. They saved a \$1 million dollars last year they are heading that way this year although they might not quite reach \$1 million. The rates for certain groups of the employees appear that they are going to remain the same. He said he read in the newspaper that Essex County is going up 47% different towns don't know what they are going to do when some of the city employees are staying stable at 0%. One of the plans is actually going up 6% or 7% he thinks. They as a city of Union leaders and **Council** members and the **Mayor** have worked really well together in the last couple years to make this task force show some profits for the city. He just wants to make sure that it gets out to the community. He thinks the candidates running for office need to know what is going on behind the scenes.

Mayor Kasprzak said they usually don't respond but he is absolutely right with the task force and every "State of the City" he mentions that and the cooperating bargaining units. When they talked about the ratification of their contract it was mentioned by him and the cooperation with **Dave Bezio** and the co pays and he also did that with the Police Department and he did it very openly. He is absolutely right **Councilor Calnon** and **City Chamberlain Richard Marks** have been part of the task force and the folks that he has worked with have done an outstanding job in saving the city and the taxpayer's money on the health care issue there is no doubt about it. He has thanked everyone publicly and he is glad **Dave Bezio** had that conversation with the constituent and let that person know about that because that is absolutely true and yes people do appreciate it. He thanked **Dave Bezio**.

Patty Bentley 18 Sanborn Avenue. Just wanted to clarify and be sure that the **Council** at least understood

that when she was here 2 weeks ago just before their resolution. She was asked by **Councilor Jackson** if there would be a referendum and she said she didn't know but then she said whatever they do whether they decide or not they would have a referendum on the budget which is an annual process we always vote on the budget. She believes that has been misconstrued on one of the local radio stations and she would be glad to correct it and she would have been grateful if someone had contacted her before they made such a comment. Her comments were about the proposal for the November 30th Open hearing and if anything is done or decided there is up to 3% it is not a 3% tax automatically if it were decided. So this continues to be something like a done deal which it is not. She just wants to be sure everyone there does understand that and hopes it will get out through the media and if anything is included the budget for the Plattsburgh City School District is voted on every May even when they don't have any idea what state aide will be for the school district.

Mayor Kasprzak stated to Patty Bentley that her comments were clear in the minutes and when **Councilor Jackson** asked her that question she did say, because we have the minutes, that there would be a referendum on this issue. Then in the next sentence she talked about with the budget so there was confusion which is legitimate, because we have the minutes, and he is glad she clarified it.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Kelly

Roll call: Councilors Kelly, Rabideau, Calnon, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 5:56 pm